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PRESS RELEASE

EIGHT INDIVIDUALS, LAW FIRM, PROPERTY COMPANY FACE FEDERAL CHARGES ALLEGING ALIEN SMUGGLING, VISA FRAUD

***Indictment alleges firm helped foreign nationals,
Utah employers obtain visas for workers through fraud***

SALT LAKE CITY – A federal indictment unsealed this morning in Salt Lake City charges a law firm, a property management company, and

eight individuals with conspiracy to commit alien smuggling and visa fraud, encouraging and inducing illegal aliens to come to, enter, or remain in the United States, and visa fraud.

Included in the defendants is a Salt Lake City law firm, an individual who worked as a United States border patrol agent with the Immigration and Naturalization Service prior to joining the law firm, and an individual who worked for the United States government as a visa assistant at the U.S. Consulate in Ciudad Juarez, Mexico, before going to work for the law firm.

Charged in the indictment are the Alcala Law Firm, which practices immigration law and is located at 1380 West Indiana Avenue in Salt Lake City; Westside Property Management, a Salt Lake County company; James Hector Alcala, age 41, of Salt Lake City; Carlos Manuel Vorher, age 43, of Salt Lake City; Carlos Enrique Gomez-Alvarez, age 41, formerly of Salt Lake City now living in Houston; Daniel Trigo Villavicencio, age 30, of Orem; Gustavo Ballesteros-Munoz, age 45, of West Jordan; Andres Lorenzo Acosta Parra, age 31, of Salt Lake City; Florentino Jose Ayala Villarreal, age 39, of Mexico; and Olga Adriana Garza Muniz, age 47, of Mexico.

The investigation of the case, which started about 18 months ago, has been conducted by the U.S. Department of State's Diplomatic Security Service; ICE, the U.S. Department of Labor; the Department of Homeland Security Citizenship and Inspection Services; and the U.S. Attorney's Office.

"The charges in this indictment allege that attorneys and others who worked at the law firm, who have a position of trust in our community, circumvented the law to obtain visas for employers and the foreign national workers they were employing in Utah," U.S. Attorney Brett L. Tolman said today. "The laws that govern the issuance of visas are there to make the practice fair for everyone. When fraud is used in an attempt to get a visa, other workers, including foreign nationals and U.S. workers and employers, who have played by the rules, get hurt."

"The U.S. Department of State's Diplomatic Security Service is resolutely committed to investigate any and all allegations of passport and visa fraud, and to bring those who commit these crimes to justice," said Ed Moreno, Assistant Director for Domestic Operations for the Diplomatic Security Service, whose office conducted the joint investigation of the case.

“ICE’s message is simple - America's legal immigration system is not for sale and we will move aggressively against those who compromise the integrity of that system simply to enrich themselves,” said Paul Maldonado, deputy special agent in charge of the ICE Office of Investigations that oversees the agency’s investigative activities in Utah. “Not only did the defendants in this case allegedly use fraudulent information to obtain employment visas for hundreds of people who weren’t authorized to work, regrettably we believe this scheme also led to untold numbers of U.S. citizens and legal workers being refused jobs or discouraged from applying at all.”

Daniel R. Petrole, Acting Inspector General, U. S. Department of Labor, stated, “Today’s indictments serve as a stern warning to those who would fraudulently abuse the foreign labor certification program for their personal gain. Facilitating the entry of workers into this nation under false pretenses corrupts a program designed to ensure the lawful admission of foreign labor under very specific conditions. Our agency remains committed with its law enforcement partners to investigate fraud committed against these Department of Labor programs.”

"It is through our due diligence and the great partnerships with law enforcement agencies that we are able to detect and curtail fraud within our immigration system," said Robert Mather, U.S. Citizenship and Immigration Services, Denver District Director.

The 17-count indictment alleges that the object of the conspiracy was to profit financially by assisting Utah employers in obtaining H-2B visas for their foreign-national workers by fraudulently representing to the DOL, USCIS, and DOS that the foreign nationals were eligible for the visas when, in fact, they were not. Investigators believe more than 5,000 visas were issued based on more than 700 petitions filed. Although some of the visas may have not have been obtained fraudulently, investigators believe the majority of them were.

The H-2B visa program allows United States companies to hire foreign nationals to fill employee vacancies that the company, for one reason or another, cannot fill with U.S. citizens. The visa program is not intended for permanent work. It is designed to help U.S. businesses that have temporary, seasonal, peak load or intermittent needs. Several federal

agencies are involved in what is a fairly complicated application process. The number of H-2B visas that are issued each year is capped at 66,000, according to the indictment.

For a foreign-national worker to be eligible for the visa, employers must demonstrate that there are not enough United States citizens who are able, willing, qualified, and available to fill the employment vacancies. If the foreign-national worker is in the United States at the time the petition is filed, the employer must include the date the foreign-national worker originally arrived in the United States and must demonstrate that the worker is in the United States legally. If the employer does not document that the worker is in the United States, the worker is presumed to be outside the United States. Those who are not present in the United States at the time the petition is filed are required to have resided and been physically outside of the United States for six months immediately prior to receiving the H-2B visa.

The indictment alleges the defendants charged in this case would meet with the employers and the foreign national workers to discuss methods the law firm could utilize to help the workers obtain lawful status using the H-2B visa program. During these discussions, employers would inform the defendants that their employees were not in the country legally. Notwithstanding this fact, the defendants would instruct the employers and foreign-national workers about how to use the H-2B visa program, including encouraging the employers to petition for more H-2B visas than the employer actually needed so conspirators would be able to unlawfully “swap” foreign-national workers from one employer to the next based on who ultimately obtained visas. Although the employers often had already filled the positions, the defendants prepared and submitted newspaper advertisements making it appear like the employers were looking to hire new workers. Additionally, according to the indictment, the advertisements often would advertise the pay at a much lower rate than the foreign-national workers were actually receiving.

The indictment also alleges that as a part of the conspiracy, the defendants prepared forms and submitted them indicating that employers were looking for “new” employees who were not in the United States when, in truth, the employers were hoping to obtain visas for their current workforce. Once visas were approved, conspirators would, at times, “pool” the visas it obtained on behalf of all of its clients.

According to the indictment, defendants held meetings in the United States to provide instructions to foreign-national workers. As a part of these meetings, conspirators told the foreign national workers that they had to return to Mexico and not tell the consular officer during the interview that they had just come from the United States.

Employee clients of the Alcala Law Firm, according to the indictment included two landscaping companies and a steel company in Utah County and a construction company, landscaping company, a painting company, a roofing and general construction company, a roofing company, and a property maintenance company, all based in Salt Lake County.

The indictment alleges several overt acts were committed by defendants in furtherance of the conspiracy. For example, in October 2006, a company met with Alcala at the law firm and told the law firm his employees were illegally in the country and he wanted to make them legal. Alcala explained the H-2B visa program and said the foreign-national workers had to return to Mexico to obtain the visa but could then come back and continue to work for the company. The firm advised that if the company needed more workers than those requested in the petition they could be moved from another company. Employees were instructed to travel to Monterrey, Mexico, to meet with the “Mexican Division of the Alcala Law Firm,” prior to the interview at the consulate. One of the employees purchased a plane ticket to Mexico but was instructed not to fly to Mexico because it would create a record of his presence in the United States. The indictment also alleges Ayala used “white-out” to change a document showing one of the workers had previously been caught crossing the border and told them they had to lie and tell the interviewers that they had never been in the United States. In April 2007, three of the employees obtained H-2B visas, however, these visas were given on behalf of a different company.

Westside Property Management, also named in the indictment, was a Salt Lake County company that owned, leased, developed and managed property. Janet Alcala, James Alcala’s wife, was listed as the managing member of this business. The company is charged with visa fraud in a count alleging the company petitioned for visas and falsely indicated in its petition that the workers would be employed at Westside Property Management when they knew that the foreign-national employees were going to work for a different Utah company.

The potential penalty for conspiracy to commit alien smuggling and visa fraud is up to five years in prison. Encouraging and inducing illegal aliens to come to, enter or remain in the United States and visa fraud carry maximum potential penalties of up to 10 years in prison per count. The potential maximum fine for each count of the indictment is \$250,000.

Defendants charged in indictments are presumed innocent unless or until proven guilty in court.

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